IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO.7 OF 2006

Miss Preeti Bunyan,
Chicalim, Goa. ... Applicant

versus

Mr. B. M. Chonkar,
Altinho, Panaji, Goa. ... Respondent

Mr. S. D. Lotlikar, Senior Advocate with Mr. M. D'Souza, Advocate for the Applicant.

Mr. Joseph Vaz, Special Public Prosecutor for the Respondent.

CORAM : N. A. BRITTO, J.

DATE : 6TH APRIL, 2006

P.C.:-

Heard Mr. S. D. Lotlikar, the learned Senior Counsel on behalf of the applicant and Mr. Joseph Vaz, the learned Special Public Prosecutor on behalf of the respondent.

At the time of hearing, it is noticed that there is some confusion as regards the gold/jewellery claimed by the applicants and which was seized in the residence of the accused as well as their locker. It appears that the list of articles was forwarded to the learned Special Judge as per page 41. There are also certain documents filed before this Court, which were

not filed before the learned Special Judge, to show that the Fixed Deposit Receipts were made from the compensation received by the applicants in a Motor Accident case. The learned Senior Counsel Mr. Lotlikar on behalf of the applicants therefore seeks leave to withdraw the present revisions as well as the applications filed before the learned trial Court so that proper applications with correct exhibit numbers, with correct description of the property can be given by the applicants with reference to the charge-sheet and particularly to the list of articles at page 41 of the charge-sheet. Leave granted. Consequently the Order dated 7-12-2005 is hereby set aside. The applicants are at liberty to file afresh applications to the learned Special Judge for the return of the articles as claimed by them. The application to be filed with no objection from the accused/other accused in the said case. If such applications are filed the learned Special Judge is required to dispose of the same as expeditiously as possible and on merits of the same and in accordance with law as laid down by the Supreme Court in the case of **Mirza Iqbal Hussain** v. **State of U.P.** (AIR 1983 SC 60) as well as the case of **Sunderbhai Ambalal Desai** v. **State of Gujarat** (AIR 2003 SC 638). The revision petitions are disposed

of on the above terms with no order as to costs.

N. A. BRITTO, J.

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